

**Before the State of South Carolina  
Department of Insurance**

In the Matter of:

Johnny C. Whitmire

2128 Chestnut Street  
Columbia, South Carolina 29204

SCDOI File Number 2002-115969

**Order Revoking  
Resident Insurance Agent's License**

This matter comes before me pursuant to a Letter of Allegation and Notice of Opportunity for Public Hearing served, as required by § 38-3-170 of the South Carolina Code, by the State of South Carolina Department of Insurance upon Johnny C. Whitmire (Whitmire) a licensed South Carolina resident insurance agent, both by certified mail, return receipt requested, and by regular mail on 5 December 2002.

The notice informed Whitmire of his right to request a public hearing upon the allegations of impropriety contained within the letter. The notice further warned that his failure to make a timely, written request would result in my summary revocation of his license to do business as a resident insurance agent within the State of South Carolina. Whitmire has failed to provide the Department with a current address in violation of § 38-43-107 of the South Carolina Code, and the United States Postal Service returned as undeliverable the letters sent by the Department. On 22 January, therefore, counsel for the Department filed an Affidavit of Default, and submitted the entire matter directly to me for my summary decision based solely on the record.

The letter alleged, and I now find as fact, that the Child Support Enforcement Division of the State Department of Social Services (DSS) had officially notified Whitmire, pursuant to § 20-7-945 (A) of the South Carolina Code, that he was more than two months delinquent in making his Family Court-ordered support payments, and that Whitmire had failed to resolve his payment delinquency within the 90 days afforded to him by law.

Section 20-7-942 of the South Carolina Code requires, "If a licensee is out of compliance with an order for support, the licensee's license must be revoked unless within 90 days of receiving notice that the licensee is out of compliance with the order, the licensee has paid the arrearage owing under the order or has signed a consent agreement with [DSS] establishing a schedule for payment of the arrearage."

In accordance with my findings of fact, and considering Whitmire's complete refusal to avail himself of his opportunity to be heard, I now conclude, as a matter of law, that Whitmire is out of compliance with an order for child support, and his license to conduct business as a South Carolina resident insurance agent must be revoked.

This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2002). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty, of the Director of Insurance, exercised either directly or through the Department of Insurance to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. § 38-3-110(4) (2002).

It is, therefore, ordered, under the provisions of § 20-7-942 of the South Carolina Code, that Johnny C. Whitmire's license to transact business as a resident insurance agent in this state be, and is hereby, permanently revoked.

It is further ordered that a copy of this order shall be distributed to the National Association of Insurance Commissioners for distribution to its several member states and to each insurer for which Whitmire is currently licensed, through the State of South Carolina Department of Insurance, as a South Carolina resident insurance agent.

This order becomes effective on the date of my signature below.

A handwritten signature in dark ink, appearing to read "E. N. Csiszar", with a long, sweeping horizontal stroke extending to the right.

Ernst N. Csiszar  
Director

22 January 2003, at  
Columbia, South Carolina

**Before the State of South Carolina  
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2128 Chestnut Street  
Columbia, South Carolina 29204

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**Affidavit of Default**

Personally appeared before me T. Douglas Concannon, who, being duly sworn, stated that at all times relevant to this Affidavit of Default he was the attorney representing the State of South Carolina Department of Insurance in this administrative action. He further stated the following:

The Department served notice on Johnny C. Whitmire at the address detailed above by a Letter of Allegation and Notice of Opportunity for a Public Hearing that the Department would request the Director of Insurance to summarily revoke his license to act as a resident insurance agent within the State of South Carolina in ten days. The Department served the Notice, pursuant to § 38-3-170 of the South Carolina Code, by "depositing it in the United States mail, postage prepaid, addressed to the last known address of the person and registered with the return receipt requested." That Notice further informed Whitmire of his opportunity, within ten days, to request in writing a public hearing.

The United States Postal Service attempted to effect service of the Notice by both certified and regular mail. However, the United States Post Office at Columbia, South Carolina, eventually returned both letters to the Department, having marked them as "Attempted/Not Known, Return to Sender." See "Exhibit A" attached. Whitmire is required as a licensed insurance agent to notify the Department of any change of address within 30 days. See S.C. Code Ann. § 38-43-107 (2002). Whitmire has made no request for a public hearing or any other response to the notice. The time in which to do so has expired. He therefore should be held in default.

  
T. Douglas Concannon  
Associate General Counsel

Sworn to and subscribed before me  
this 22<sup>nd</sup> day of January 2003.



Steven R. DuBois  
Notary Public for the State of South Carolina  
My Commission Expires: May 10, 2009

South Carolina Department of Insurance  
Post Office Box 100105  
Columbia, South Carolina 29202-3105  
(803) 737-6132